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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,888	09/19/2001	Yoichiro Sako	7217/65453	9847

530 7590 05/26/2006

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EXAMINER	
PYZOCHA, MICHAEL J	
ART UNIT	**PAPER NUMBER**
2137	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/955,888	SAKO ET AL.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-2, and 5-7 are pending.

2. Amendment filed on 05/05/2006 has been received and considered.

Claim Rejections - 35 USC § 112

3. The rejections under 35 U.S.C. 112, second paragraph, have been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (US 6209092) in view of Hayashi et al (EP 967783 A2) and further in view of Bersson (US 6081897).

As per claim 1, Linnartz discloses adding right information containing at least copyright management information to selected ones of a plurality of pieces of input data; and performing a

signal process on the plurality of pieces of input data including the selected ones of the plurality of pieces of input data to which the right information has been added and recording the processed data on the record medium (see column 10 lines 50-67).

Linnartz fails to disclose selecting one or more of a plurality of pieces of input data to receive management information and individually adding the information to the respective selected pieces of audio data.

However Hayashi et al teaches such individual selection and adding of information (see paragraphs 1-14) and Bersson teaches selected pieces of audio data with respective rights information (see column 2 lines 51-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the system Linnartz to add management information individually to respective audio files.

Motivation to do so would have been to apply different types of watermarks to different components (see Hayashi et al paragraphs 8-10) and to inhibit recording by a CDR (see Bersson column 2 lines 51-65).

As per claim 2, the modified Linnartz, Hayashi et al, and Bersson system discloses the signal process is an encrypting process (see Linnartz column 5 lines 3-26).

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Linnartz, Hayashi et al, and Bersson system as applied to claim 1 above, and further in view of Ryan.

As per claim 5, the modified Linnartz, Hayashi et al, and Bersson system fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to Linnartz's copy protection system. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, the modified Linnartz, Hayashi et al, Bersson and Ryan system discloses the various multiple adding circuits (see Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (US 6209092) in view of McCready ("How to Register Your Copyright").

As per claim 1, Linnartz discloses adding right information containing at least copyright management information to selected ones of a plurality of pieces of input data; and performing a signal process on the plurality of pieces of input data including the selected ones of the plurality of pieces of input data to which the right information has been added and recording the processed data on the record medium (see column 10 lines 50-67).

Linnartz fails to disclose selecting one or more of a plurality of pieces of input data to receive management information and individually adding the information to the selected pieces of data.

However McCready teaches such individual adding (page 2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the system Linnartz to add management information individually

Motivation to do so would have been to copyright protect each individual song (see page 2).

As per claim 2, the modified Linnartz and McCready system discloses the signal process is an encrypting process (see Linnartz column 5 lines 3-26).

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Linnartz and McCready system as applied to claim 1 above, and further in view of Ryan.

As per claim 5, the modified Linnartz and McCready system fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to Linnartz's copy protection system. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, the modified Linnartz, McCready and Ryan system discloses the various multiple adding circuits (see Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

Response to Arguments

9. Applicant's arguments with respect to claims 1-2 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed 05/05/2006 have been fully considered but they are not persuasive. Applicant argues: McCready "does not overcome the above described deficiencies of Linnartz". With respect to this argument, Applicant does not

describe deficiencies of Linnartz, but rather deficiencies of Hayashi et al.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nonomura et al (US 6993133) teaches adding right information to individual songs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER